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RESOLUTION REGARDING THE BAN ON POLITICAL ACTIVITY IN SOUTH AFRICA AND THE DENIAL OF PASSPORTS TO CERTAIN SOUTH AFRICANS

MARCH 16 (legislative day, MARCH 14), 1988.—Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. Res. 384]

The Committee on Foreign Relations to which was referred the resolution (S. Res. 384) regarding the banning of political activity in South Africa having considered the same, reports favorably thereon without amendment and recommends that the resolution do pass.

PURPOSE

The purpose of S. Res. 384 is to express the Senate's concern about the ban imposed by the South African Government in February 1988 on the political activities of several anti-apartheid organizations and individuals and about the South African Government's denial of passports to anti-apartheid activists.

MAJOR PROVISIONS

The resolution expresses the sense of the Senate that the ban on political activities of 18 anti-apartheid organizations, including the United Democratic Front (UDF) and the Congress of South African Trade Unions (COSATU), and on 17 individuals, including two national UDF leaders, eliminates peaceful, legal means to oppose apartheid; increases the incident and prospects of violence; violates

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fundamental democratic principles of free speech and assembly; and undermines opportunities for dialog, reconciliation of views, and needed change in South Africa. The resolution expresses the view that the U.S. Government should increase pressure on the South African Government through a variety of political, diplomatic, and economic measures. The resolution urges the President to act immediately to achieve numerical equivalence in the number of diplomatic missions representing each nation. The resolution also states that temporary U.S. visas should be granted to South Africans only after consideration of the South African Government's record of granting passports to all South Africans, particularly those who are members of anti-apartheid organizations, who seek to visit the United States.

BACKGROUND

On February 23, 1988, Pieter W. Botha, President of the Republic of South Africa, signed an emergency order effectively banning 18 organizations from participating in political activities. Those groups included the United Democratic Front, the Detainees Parents Support Committee, the National Education Crisis Committee, the Caps Youth Congress, the Cradock Residents Association, the Detainees' Support Committee, the National Education Union of South Africa, the Post Elizabeth Black Civic Organisation, the Release Mandela Campaign, the Soweto Civic Association, the Soweto Youth Congress, the South African National Students Congress, the South African Youth Congress, the Vaal Civic Association, the Western Cape Civic Association, the Azanian People's Organisation, the Azanian Youth Organisation, and the Congress of South African Trade Unions. In addition, at least 17 individuals were "banned," including two national leaders of the UDF, Albertina Sisulu and Archie Gumede. Under South African law, a "banned" individual is prohibited from engaging in any political activities or from meeting with more than one person at a time.

The South African Government has acknowledged that no action taken by these organizations or individuals was illegal or unconstitutional. In fact, the organizations retain their legal status and will be permitted to maintain membership lists and financial records. Nonetheless, the groups and individuals are now prohibited from publishing or distributing information, giving speeches or interviews, calling public meetings or urging action under their organization's name.

In addition to being subjected to bannings, over the past 2 years, it has become increasingly difficult for citizens critical of apartheid or South African Government policy to obtain an international passport to travel abroad. Most recently, Fatima Meer, a professor in Durban, South Africa, and an anti-apartheid activist, was invited to speak at the Smithsonian Institution. Her application for a passport was denied. Similarly, Omar Badsha, director of documentary photography at Capetown University, was denied a passport that he needed in order to attend a professional conference in California.

COMMITTEE ACTION

On March 4, 1988, the committee considered S. Res. 384, introduced by Senator McConnell on February 26, 1988, with Senators Kennedy, Kassebaum, Simon, Weicker, Levin, Murkowski, Roth, and Sarbanes cosponsoring. Senators Evans, Boschwitz, Dodd, Adams, Cranston, Kerry, Mikulski, Sanford, and Pell have also cosponsored the resolution. The committee voted 17–0 to report the resolution favorably to the Senate. Voting in the affirmative were Senators Pell, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell.

COMMITTEE COMMENTS

The committee is concerned about the recent actions taken by the South African Government to further eliminate peaceful opposition to apartheid. The committee believes that the South African Government has increased the potential for violence by prohibiting the black majority from demonstrating its opposition to apartheid through legal, peaceful means. Taken together, the "banning" of anti-apartheid leaders, the prohibition on political activity of anti-apartheid organizations, and the denial of passports to anti-apartheid activities represent, in the committee's view, a major setback in an urgently needed process of democratic reform.

The committee believes that the United States must continue to demonstrate its opposition to apartheid and to actions taken by the South African Government against those who seek the elimination of this inhumane and unjust system. The committee urges the administration to act upon the provisions in S. Res. 384 regarding diplomatic missions and visas as expeditiously as possible. The committee notes that the South African Government maintains four consulates, in Houston, New York, Los Angeles, and Chicago, and an embassy in Washington. The United States has three consulates, in Capetown, Durban, and Johannesburg, and an embassy in Pretoria. With respect to visas, it is the committee's intent that the administration use the visa process to bring about visits to the United States by South Africans representing a full range of South African political opinion. The committee does not believe that discussion and debate in the United States of South African issues should be constrained by the South African Government's passport policy. The committee recognizes that the Department of State is fully aware of the South African Government's record in this regard and is in a position to assure a balance in the range of political opinion of visitors to the United States.

ADDITIONAL VIEWS OF SENATOR MOYNIHAN

This resolution provides a much-needed response to the banning of political activity in South Africa. My distinguished colleague from Kentucky, Senator McConnell, deserves great congratulations for having brought forth such a carefully written measure. I am particularly grateful that the distinguished Senator has agreed to support an amendment to this resolution when it comes before the full Senate, clarifying the provision on visa policy in a manner consistent with Section 901 of the Foreign Relations Authorization Act of 1987. This amendment will strike the last paragraph of S. Res. 384, and add the following substitute:

> That in view of the South African Government's pattern of denying international passports to individuals who oppose apartheid, the United States Government shall take immediate steps to bring about visits to the United States by South Africans representing the full range of South African political opinion.

ADDITIONAL VIEWS OF SENATOR HELMS

I know of not one U.S. Senator who favors the political system in South Africa known as apartheid. All Americans believe that every individual should have the right to seek the full development of his or her talents without restriction of race, creed, or color. I believe that. I do not believe there is a U.S. Senator presently serving who does not believe that.

The fundamental issue is how do we, in the United States, encourage greater domocracy in South Africa. The imposition of sanctions against South Africa, so sanctimoniously imposed by Congress in 1986, has created, as predicted at the time of their adoption, havoc and hardship among the very people that Congress pretended to be wanting to help.

I had the opportunity to visit throughout South Africa during the August 1987 recess. My experience in South Africa made it demonstrable that most South Africans are working to find a solution to a problem that highly developed countries, like the United States, do not confront.

That problem is this: When you have a third-world economy and a developed-world economy side-by-side in the same geographic area, how can they be established into a single political system? How can political freedoms and the free enterprise system be preserved during the transition to a fully-developed economy for all?

The choice is simple: (1) Find a plan which in the long run will give freedom and economic development to all; or (2) destroy the fragile economy which presently is inadequate to bring everyone up to the same level.

Needless to say, the Soviet Union has its own solution: Destroy the existing free economy that is closely allied with the United States and Europe, and replace it with a socialist economy that is totally beholden to communism. Such a plan will not only enslave all the peoples of South Africa, but also have a far-reaching impact on the United States and the Free World, denying the strategic minerals treasure house to the United States and to NATO defense forces, while interdicting the strategic shipping lanes around the Cape of Good Hope that keep Europe supplied with most of its oil. Unfortunately, the imposition of sanctions plays into this strategy by undermining the economy.

The Soviet strategy is quite obvious: Since 1921 the Soviets have been attempting to exploit the racial differences among the black nations of southern Africa, turning black against black, as well as black against white. The principal tool for this exploitation in South Africa has been the African National Congress—originally a nationalist group organized among members of the Xhosa tribe, but later taken over lock, stock, and barrel by the Soviet Union working through the South African Communist Party. Today two-thirds

of the leadership group of the ANC are Xhosa Communists beholden to the Soviet Union.

By contrast, the much more numerous Zulus ae fiercely anti-Communist and actively pro-free enterprise. But for that very reason, perhaps, the U.S. State Department and the self-righteous Senators won't give the Zulus the time of day. They are equally opposed to apartheid, under their leader Mangosuthu Buthelezi.

One fatal flaw in the sanctions is that the legislation effectively recognizes the ANC as the legitimate successor to the present government of South Africa. It imposes various economic and political sanctions on South Africa unless the South African Government takes specific steps to rcognize and negotiate with the Communist ANC. That's why President Reagan vetoed the sanctions bill. But for reasons totally unrelated to South African realities, a host of U.S. politicians perceived it as clever domestic politics to condemn South Africa to communism. Congress overrode President Reagan's veto.

Now is the time to recognize the failed congressional policy of economic sanctions, not perpetuate it. The highest priority should be the immediate repeal of these provisions which are so evidently destroying economic progress for countless blacks in South Africa. This should be coupled with a policy of encouraging private investment in South Africa—investments that will benefit countless South Africans of all races.

At the end of a week touring South Africa, I reached the conclusion that it is impossible to exaggerate the extent to which the imposition of sanctions has been counterproductive to the very ideals U.S. sanctions proponents said they were seeking.

This is a fact of life which is so evident now, over a year after sanctions, as it should have been in 1986. From early morning until late at night I tried to find even one person who would tell me that the U.S. sanctions against South Africa had been helpful, in any way, toward bringing harmony, economic progress, or political equity to that troubled country.

I talked with men and women in all walks of life, and of all races. Mainly I talked with farmers and workers struggling to make a living amidst the frustrations caused by U.S. sanctions. I talked with whites, with coloreds, with blacks, with Indians.

I did not, of course, meet with South African Communists or their sympathizers. In my book, Communists are simply outside of any free dialog. I did meet with people of every other political stripe—from the Labor Party to the Progressive Party, to the National, and to the Conservative Party. Everyone held the same conviction: U.S. sanctions are moving South Africa closer to communism. Indeed, it is probably no accident that, within South Africa, the primary proponents of sanctions are members of the Soviet-backed African National Congress. Too few Americans seem to recognize the very real threat posed by Communists and Communist-backed elements within South Africa. However, South Africans of all races are aware that greater economic and political freedom can never come from communism.

Without exception, these people bitterly denounced the destruction of jobs that the U.S. Congress callously caused when it sanctimoniously rejected President Reagan's warning that sanctions

would create havoc and hardship among the very people whom Congress piously pretended to "help."

South Africans of all races are emphasizing, now more than ever, these points:

Jobs are the answer to peace in South Africa;

With economic progress will come political progress for black South Africans; and

We need more investment to stimulate black employment, not disinvestment.

CONTINUATION OF FLAWED CONGRESSIONAL POLICY TOWARD SOUTH AFRICA

Unfortunately, the resolution approved by the committee calls for more of the same misguided policy—"That the U.S. Government should increase pressure on the South African Government through a variety of political, diplomatic, and economic measures". The congressional response to its failed policy is a stronger dose of the wrong medicine.

Parenthetically, it should be noted that the "committee consideration" on the resolution was perfunctory at best. No hearings were held on the resolution or any issue addressed by it. Indeed, the "markup", such as it was, was conducted just one week after the resolution was introduced. To be precise, the committee's consideration of the resolution consisted of the following sentences by the Chairman:

> The Committee on Foreign Relations will come to order.
>
> The business before us consists of two resolutions. They are on the agenda. The first one is S. Res. 384 regarding the banning of political activity in South Africa.
>
> A quorum being present, I would ask—the Clerk will call the roll.

In short, the committee gave no serious consideration to the content, context, or timing of the resolution.

The timing, for instance, is a significant factor. Continued U.S. congressional criticism of the South African Government undermines the efforts toward reducing the apartheid system in South Africa that have been taken by the Botha government and serves only to encourage the extremes on the left and right. South Africa is in the midst of municipal elections, and introduction of additional U.S. criticism at this time is especially inappropriate.

SOUTH AFRICA'S RESPONSE TO "INTERNATIONAL PRESSURE"

Additionally, the United States must reconsider its fundamental premises with regard to how we can best "influence" events in South Africa. South Africans are increasingly disenchanted with the harsh U.S. rhetoric directed against them. The United States, rather than playing a positive, constructive role toward reducing apartheid in South Africa, is increasingly regarded, by South Africans, as irrelevant, counterproductive, or both.

South Africa's resistance to "international pressure" is growing; the expressions of moral outrage within the international community are having the opposite effect on the Government of South

Africa. For instance, South Africa's Ambassador to the United Nations, A. Leslie Manley, stated on March 3 at the United Nations:

> The hypocrisy which permeates this very discussion is almost comic. We in South Africa do not lay claim to perfection. We acknowledge the complexity of our problems but we have moved a long way to extend and broaden democracy. Our sin is that we are removing discrimination and extending democracy.
>
> Elements within the United Nations do not want us to succeed in coming to an agreement with each other which will ensure participation by all without domination by any group.
>
> This meeting is part of this vindictive vendetta and therefore my government wishes to make it clear to you that:
>
> We will not bow to your threats or demands; and
>
> We reject your accusations with contempt and invite you to do your damnedest.
>
> We will continue to strive to attain a negotiated settlement for the problems facing all South Africans. And we will do so while maintaining law and order and vigorously opposing the forces of destruction and violence.
>
> Neither will we tolerate outside interference in our domestic affairs. South Africans of goodwill will find peaceful solutions to their constitutional and economic problems themselves through negotiation.

SELECTIVE MORAL OUTRAGE

The South African Government has adopted more and more harsh rhetoric to express its disenchantment with the United States. Understandingly, the South Africans, and many Americans, wonder why congressional moral outrage is so selective. During the same time frame in which the ban on political activities took place, the Soviets have repressed Armenian and Turkish minorities in Azerbaijan and the Communist Chinese have continued their persecution in Tibet. In these latter cases, deaths resulted from the repression, but where is the U.S. outrage? Where are the resolutions condemning these governments? Where are the calls for any, much less increased, political, diplomatic, and economic sanctions?

Apparently it is more offensive to reduce political activity than never to have allowed it at all. South Africa is condemned by the resolution, but Congress remains silent regarding the fact that South Africa's neighbors—Mozambique, Angola, Zimbabwe, Tanzania, and Zambia—do not even allow multiple political parties, a restriction that does not apply in South Africa even after the recent decree.

I do not know for what reasons the South African Government felt compelled to ban the political activities of the groups and individuals specified in President Botha's order. But I am hesitant for the United States to interject itself in to a very sensitive internal matter of an ally of the United States. I do not know what evidence exists, if any, to support this action—aside from the assertion that the United Democratic Front (UDF) is controlled by the African

National Congress. Most Americans, comfortable and secure and enjoying the American election year process, cannot comprehend why certain organizations are banned from political activities in South Africa. At the same time, I hate to see the United States contribute to the already significant problems of South Africa by imposing our standards on their, very different situation.

Just for the record, the following is an excerpt from the text of Ambassador Manley's March 3 speech in the U.N. Security Council:

> We have listened to hysterical and hypocritical posturing, and heard familiar condemnations of recent steps taken by my government to counter revolutionary forces in South Africa. These forces have, as their clearly defined objective, the overthrow of order and stability in our country. The regulations promulgated in terms of which certain restrictions were placed on the activities of 17 organisations are specifically directed at the maintenance of internal order and to neutralising, in a non-violent way, those forces actively involved in undermining authority and stability. It is ridiculous to call this a threat to peace. In fact the action taken was directed at promoting peace and ensuring legal order in South Africa.
>
> The regulations are neither arbitrary nor repressive, nor was it the intention, as has been suggested, to suppress legitimate opposition in South Africa by this means. Everyone who can read will be able, if he or she is honest, to have this confirmed by paging through the many opposition papers of South Africa. Important strides have been made regarding constitutional development and renewal and in the socio-economic advancement of all the peoples of our country. There has been little or no recognition by this body of these developments, simply because the truth is anathema to you. In order to ensure that progress, so essential in a developing country should continue, it is necessary that a climate conducive to such change is maintained. And that nothing more, is the reason for the restrictions placed on the organisations concerned.
>
> The nature of the regulations, expectedly, have also been grossly exaggerated. For example: the United Democratic Front has 750 affiliate organisations of which precisely 10 are affected by the regulations.
>
> Bona fide labour union activities are not affected by the regulations;
>
> Any organisation or individual affected by the regulations may appeal against the restrictions as they might affect them;
>
> The regulations are only in force as long as the limited State of Emergency continues in South Africa.

The action taken was hardly, therefore, a global irrevocable banning of black political opposition.

I would like to state clearly that it is not the intention of my government to curtail all of the activities of the organisations concerned. The restrictions affect only those

activities that endanger the safety of the public and undermine the maintenance of law and order.

Mr. President, peace and tranquility in South Africa do not serve the purposes of certain organisations, notably, the ANC. Revolutionary forces have realized that they cannot make the country ungovernable through a policy of violence and use of necklaces.

The leader of this organisation, addressing his association with the United Democratic Front, embraced the UDF by declaring "We salute all (UDF) leaders and its affiliated organisations, its members and its followers. The National Liberation Alliance headed by the ANC shall be able to guide the UDF only if we have our own underground structures within the UDF. These structures must be skillfully used to give the correct guidance to the UDF, and above all, raise the task of the Front."

The ANC and all the organisations who are their allies, have thereby passed judgement on themselves.

Mr. President, my government will simply not allow revolutionary forces and radical activists to disrupt the lives of moderate South Africans. South Africans of goodwill are at the moment preparing to negotiate a new constitutional dispensation which will seek to serve all South Africans fairly. Surely it is a responsible government that does everything in its power to ensure that this process is given the chance it deserved. The internecine warfare that has typified the so-called political actions of the groups who oppose reforms could not be tolerated any longer. Academic argument about the merits of their philosophies is a luxury which South Africans can ill afford; we live in a sub-continent that has been ravaged by ill-fitting ideologies and exploited by outside political powers for their own ends.

* * * The international community is being misled about the true priorities and goals of the organisations which are committed to bloodshed. * * *

MISGUIDED COMPONENTS OF THE RESOLUTION

The resolution, as introduced and approved by the committee, suggests that the President take actions that are clearly unrelated to the stated premise for the resolution—that of the South African Government's imposition of a ban on certain political activities.

The resolution provides "That the President should immediately take action to achieve numerical equivalence in diplomatic missions of the South African Government and U.S. Government". This may be of esoteric interest to some, but it is hardly a relevant or appropriate response to the recent action of the South African Government. The issue of how many diplomatic missions each country has is wholly inappropriate in the context of this resolution. The issue is also rather contrived in any context. Whether each country has three, or four, missions in the other country is scarcely significant. Indeed, apparently the concept of "missions" was selected, rather than overall diplomatic personnel levels, pre-

cisely because there is already rough equivalence in the United States and South African diplomatic personnel in our respective countries.

Another unrelated topic included in the resolution has to do with U.S. visa policy toward South Africa. The resolution expresses the sense of the Senate "That approval of temporary U.S. visas requested by South Africans should be granted on a case-by-case basis only after consideration of the South African Government's record of allowing South African citizens—particularly those who are members of anti-apartheid organizations—to travel to the United States."

The visa provision, while allegedly aimed at encouraging an increased flow of differing viewpoints from South Africa, actually provides a not so veiled threat that the United States itself should consider imposing restrictions on the entry of South Africans into the United States. Apparently visa-related discrimination that is described as reprehensible when done by the South African Government becomes acceptable if initiated by the U.S. Government.

The desire to interfere in internal South African policies seems to know no bounds. If the U.S. Senate must express itself on the issue of the ban on political activities in South Africa, it should confine itself to that topic rather than the far reaching proposals of the pending resolution. If the Senate takes any action on the subject with respect to South Africa, I trust the Senate will be willing to deal also with far graver voilations of political, religious, and human rights which take place elsewhere, such as, for example, in the Soviet Union.

JESSE HELMS.

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